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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF:

RELIGIOUS INTOLERANCE

Letter dated 21 April 1999 from the Permanent Representative of Viet Nam to the United Nations Office at Geneva addressed to the Chairperson of the Commission on Human Rights

May I have the honour to draw your attention to the statement on 9 April 1999 on agenda item 11 by Ambassador Nguyen Thanh Chau, member of the Vietnamese delegation at the fifty-fifth session of the Commission on Human Rights, in which he highlighted the report by the Special Rapporteur on religious intolerance, Mr. Abdelfattah Amor, regarding his mission to Viet Nam (E/CN.4/1999/58/Add.2) and indicated that a detailed response to the report would be provided later.

I am pleased to provide herewith that detailed response*. In our view, it should be read in conjunction with the Special Rapporteur's report referred to above to obtain a fuller and more balanced picture of the religious situation in the country.

It is requested that the response be circulated as a document of the Commission on Human Rights.

(Signed) NGUYEN QUI BINH
Ambassador
Permanent Representative

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* The annex is reproduced as received in the language of submission only.

Annex

ON THE REPORT OF THE VISIT TO VIETNAM BY THE SPECIAL RAPPORTEUR ON RELIGIOUS INTOLERANCE (19-28 OCTOBER 1998)

As an active member of the UN, Vietnam always attaches great importance to the efforts and activities of this Organisation as well as its various functional bodies including the Commission on Human Rights, the Office of High Commissioner for Human Rights and their experts in issues related to social and economic development, and the promotion and protection of human rights.

In the spirit of goodwill and co-operation, as best manifest through the visit to Vietnam in April 1995 of the Special Rapporteur on Arbitrary Detention, Vietnam invited the Special Rapporteur on Religious Intolerance to visit Vietnam to acquire first-hand knowledge of the legal and policy framework which ensures the religious freedom for all people, as well as the real situation of free religious practices in Vietnam. During his visit, the Government of Vietnam facilitated his meetings and exchange of information with senior officials from the Ministry of Foreign Affairs, Ministry of Public Security, Ministry of Justice, Ministry of Education and Training, the Government's Committee for Religious Affairs, the Religious Research Institute as well as leaders of such major religions as Buddhism, Catholicism, Caodaism and Islam. The Special Rapporteur also had opportunities to visit many temples, pagodas, worship places and religious training facilities such as the Buddhist Institute and seminaries located throughout the country, from Hanoi to Hue to Ho Chi Minh City. In particular, he had the chance to meet the religious persons at his request, and a number of prisoners in Xuan Loc of Dong Nai Province.

However, it is unfortunate that the Report presented by the Special Rapporteur about his visit to Vietnam (E/CN.4/1999/58/Add2) ignores the true information and reality on the free practice of religions and faith of the Vietnamese people and the efforts on the part of the Vietnamese Government to ensure an ever-growing right to freedom of religions and belief as provided to him or as he witnessed during the visit.

Moreover, the Report contains numerous misleading comments on stipulations in the Constitution and laws and on the Government's policies towards religions. The Report repeatedly refers to the information from unidentified sources, which could be obtained in full without effectuating the visit itself. We have no bias against the work of any individual or any private organisation per se. Yet a big question mark is placed on the intentions and the impartiality of the publication by a number of people and organisations. Those who understand the Vietnamese history

and reality know that some Vietnamese individuals and organisations are, either under the pretext of NGOs or religion and driven by sinister political motives, moving around with intentionally false, distorted and hostile information, hoping to undermine the national solidarity, construction and development in Vietnam.

Given the respect and high appreciation of the work performed by UN Special Rapporteurs, Vietnam feels the need to provide further information to help balance the afore-mentioned Report by the Special Rapporteur.

I. Vietnam's history and traditions

Throughout thousands of years of national building and defence, the Vietnamese people have generations after generations built a nation with a glorious history and a rich cultural identity. Like other peoples in the East, the Vietnamese people uphold a tradition of respect for morality, belief and religions.

1. Vietnam is a multi-religious country where six major religions namely Buddhism, Catholicism, Protestantism, Caodaism, Hoahaoism and Islam co-exist peacefully. All religions are entitled to respect and equitable conditions for development. All beliefs and religions were built upon the tradition of worship to the ancestors and the custom of paying respect to those who made worthy contributions to the country and people (based on Confucianist and Taoist philosophies). It is so normal to find believers, non-believers or believers of different religions within one family. There have never been religious discrimination or conflicts throughout the country's long history. Therefore it can be well said that religious intolerance doesn't exist in Vietnam.

2. The Vietnamese people have a tradition of unity. National unity among believers and non-believers and different religions constitutes national strength and is a decisive factor for Vietnam to overcome all challenges, especially when the country was confronted with foreign aggressions. The victories in the past struggles against foreign invasion as well as the achievements in the process of Doi Moi (renovation) all testifies to this unity which is crystallised in President Ho Chi Minh's teaching: "Unity, unity, great unity; success, success, great successes". This idea has also been adopted by religions as indicated in the 1980 Letter by the Vietnam's Council of Bishops which reads: "Live in Gospel's spirit for the happiness of the compatriots".

3. Those well-informed readers of Vietnam know that religions played a part in the ups and downs in this country's history. In the past, the imperialists and colonialists came to Vietnam under the guise of religions,

and then brutally persecuted those religious followers of patriotic belief; at the same time they deployed a villainous plot of sowing the seeds of instigation and division among different religions, between believers and non-believers... in an attempt to break up the religious as well as national unity. In fact, a small number of religious believers was taken in and armed against their own people, hence the prejudices and complexes among the people. At present, hostile forces still continue in their macabre attempt to misuse religions against Vietnam.. To address this problem, the State and people of Vietnam have persistently been consolidating the mass unity and "overcoming any prejudice or discrimination against religious believers" (*Political Report at the VII National Congress of the Communist Party, 1991).*

II. Vietnam Constitution, Legislation and Policies on religions and beliefs.

Proceeding from the national history, traditions, and actual situation of Vietnam, and in reference to international conventions and laws as well as the experience of other countries, the Vietnamese Government has adopted a policy of respect for religious freedom.

Vietnam's Constitution clearly stipulates that *"Vietnamese citizens are all entitled to freedom of belief and religion, practice or non-practice of any religion. All religions are equal before the law.*

Worship places of all beliefs and religions are protected by law.

Freedom of belief and religion should not be violated or abused to violate the State's laws and policies"

(Article 70).

These provisions are highly progressive, essentially equivalent to the provisions in *Article 18* of the International Convention on Civil and Political Rights.

The State's legal provisions on belief and religions are established on the following five principles:

1.The State protects the citizen's freedom of belief or non-belief; prohibits the discrimination against religions or beliefs.

2. All religious followers or non-religious people are equal before the law and entitled to the citizen's rights and obligations.

3. Religious activities should be conducted in conformity with the Constitution and Legislation of the Socialist Republic of Vietnam.

4. Religious activities which bear the legitimate and rightful interests of religious followers are protected, and which are in the interests of the Motherland and people are encouraged.

5. Superstitious activities of whatever forms should be discouraged. All activities under the guise of religion aimed at undermining the Socialist Republic of Vietnam, national independence, unity and culture, and preventing religious followers from fulfilling their citizens' rights are sanctioned in accordance with the laws." (Article 1,2,3,4,5 of the Decree 69/HDBT dated 21 March 1991 of the Government)

The proper implementation of the above-mentioned rights to religious freedom is made more specific:

- Regarding the worship places: *" worship places which have already been degraded or damaged will be repaired. For those worship places that were damaged during the war or due to the passage of time, their reconstruction will be considered at the request of religious leaders on the basis of regulations of the Land Law."*(the Prime Minister's Directive No 379/TTg on July 23, 1993).

- Concerning the religious training *" the training of religious clergy at the domestic training centres will be facilitated. Religions are permitted to send their people for training abroad if so required."* (the Prime Minister's Decree No. 379/TTg dated 23 July 1993). *" The State creates favourable conditions for all religions to conduct their external relations activities".* (Guidance 500HD/TGCP dated 4 December 1993 issued by the Government's Committee for Religious Affairs).

- Concerning the publication, import and export of religious books and documentation: *" The State facilitates the printing, import and export of religious publications. Import and export of religious publications should be in conformity with the regulations on import and export of cultural publications".* (Directive No. 379 TTg and Guidance No. 500HD/TGCP)

At the same time, the State also issues regulations and guidelines to relevant Government authorities (such as the People's Committees, Committee for Religious Affairs, administration at all levels...) as well as concerned mass organisations (religions, the Fatherland Front) for the proper implementation of the policy of religious freedoms and beliefs.

" People's Committees, Committees for Religious Affairs and administration at all levels should inspect the implementation of Decree No. 69 at their localities, recognising and encouraging good deeds and correcting wrong ones. Additional studies should be conducted to ensure normal activities of religions, putting an end to those activities in violation of policies on religions".

" In the course of implementation, religious representatives can make recommendations to the Administration and Committees for Religious Affairs at all levels on the points that need to be added to the state's legal provisions, so as to further facilitate the conduct of normal activities in accordance with the law. Upon receipt of the recommendations, the authorities should study them and make clear to the religious representatives which recommendations they accept; otherwise explanations should be forwarded". (Decree No. 379TTG and Guidance No. 500HD/TGCP).

"Government officials who seriously violate the policy on religions shall be strictly disciplined in accordance with the law". (Guidance No. 500HD/TGCP).

Obviously, this is a manifest of an integral system of law and policy set up by the State of Vietnam to better ensure the freedom of beliefs and religions of all Vietnamese citizens through the current state apparatus, and it also serves as the legal framework for religions to implement their right to religious freedom. We are therefore unable to understand and cannot accept such misguided interpretation of our laws, regulations and policies as *"obstructive to religious freedoms, or limiting them to a negligible level"*, or *"to maintain the control and supervision of the authorities to hamper the establishment of organisations which will defy their authority and influence"* or *"the implementation of this policy may be flexible depending on the open or restrictive attitudes of local authorities"*. It is this very issue that compels us to question the impartiality of the Report.

III. Current developments of free religious practice in Vietnam.

A. The diversified religious activities among the Vietnamese citizens in past years serve as a vivid testimony to the implementation of the above-mentioned policy. There are about 20 million followers of the six religions who conduct their religious practice regularly, not to mention about tens of million others still keeping to their traditional beliefs. These religions have a great number of religious clergy, including nearly 28,000 Buddhist clergymen, 33 archbishops, 2,200 priests and more than 10,000 priest cloisters and cloisteresses, over 500 ministers and pastors, and over 5,000 Cao Dai clergy...

1. Buddhism: Buddhism is the most popular religion in Vietnam with a total number of over 15 million followers, including nearly 1 million from Khmer ethnic group in the South. One third of the clergymen are Khmer. Today, there are about 14,000 Buddhist pagodas throughout the country (of which 440 are Khmer's) without mentioning nearly 10,000 temples, shrines dedicated to the traditional belief. The Buddhist Church of Vietnam manages 24 fundamental Buddhist schools, 2 Colleges of Specialised Buddhist studies

and 3 Buddhist Institutes in Hanoi, Hue, Ho Chi Minh city, another Institute and its affiliate for Buddhist studies. About 400 clergymen attend classes for higher Buddhist studies, more than 200 enrolled in the College of Specialised Buddhist studies, over 2,000 others studying Buddhist fundamentals, nearly 300 having graduated from senior classes, more than 500 are now working in local Buddhist Associations after finishing their studies. For the Khmer, there are primary Pani and Vini classes with 1,700 students, including 450 in intermediate classes and 250 in advanced classes. The Special Rapporteur himself witnessed those activities during his visit to the Buddhist training institutions in Hanoi, Hue and Ho Chi Minh City. And he was also told by the prominent Buddhist clergymen of the Buddhist Church of Vietnam in their private meetings that "it is the heyday of Vietnamese Buddhism".

2. Catholicism: Vietnamese Catholicism is the second largest religion with nearly 5 million followers (accounting for 7% of the total population) living in 2030 parishes with over 6,000 churches. According to the statistics of Vietnam Catholic Church, the number of followers has increased in the past years. The relations between Vietnam and Vatican has significantly improved. Vatican sends annual missions to Vietnam, followed by the appointment of bishops to the vacant posts. At the moment, Vietnam Catholic Church has 6 grand seminaries nation-wide, one enrolment every two years and until now there have been more than 500 seminarists, hundreds more have graduated, being appointed to many parishes. Owing to that, the lack of bishops in a number of localities has been overcome.

Especially in August 1998, with active support and assistance from the State and local authorities, the Vietnam Catholic Church successfully organised the La Vang pilgrimage, the Year of Grand Amnesty and the Bicentennial Anniversary of the Appearance of the Virgin Mother in Quang tri province with the participation of over 200,000 Christians, 20 bishops, 200 priests, 250 nuns of seminaries from all over the country. Many foreign correspondents and overseas Vietnamese Christians also attended. The La Vang pilgrimage, as highly appreciated by the international community, is another vivid manifestation of the State policy of religious freedom.

3. Protestantism

The number of Protestants in Vietnam is about 400,000 with 500 pastors at 499 churches all over the country. Although Vietnam Protestant Church is the only organisation with a legal status, the Government facilitates the conduct of religious activities by all followers. Activities of the pastors have regularly been maintained and developed. Seminaries such as Bible theological schools have been allowed to operate, Bibles being made possible for printing and importation (*refers to paragraphs below).*

4. Caodaism:

This is an "endogenous" religion of Vietnam. At present, Caodai has about 2,000,000 followers with 6,625 clergymen, 9,223 auxiliaries at over 1,000 oratories, and most of them are in the South. Activities of Caodai followers have been increasingly diversified. Recently, the legal status of dozens of different sects of Caodaism has been recognised by the Government, meeting the demand of Caodai followers. Caodai sects are also free to train clergymen in accordance with its traditions (opening intensive classes for clergymen and auxiliaries) and to print books for its religious activities.

5. Hoahaoism:

Like Caodai, Buddhist Hoahao is also "endogenous", being developed in the Mekong River Delta. According to its own traditions and philosophies, Hoahao does not have its temples or oratories, as well as statues or pictures (in the areas where Buddhists converted to Hoahao, Buddhist temples have been transferred to and used by Hoahao followers). The worship and religious practices have been mostly conducted at home. Hoahao has no clergy, no congregation, just small number of followers who are responsible for both religious practices and normal life in hamlets, but they still live with their families as other ordinary followers. Hoahao, unlike Catholicism or Buddhism, has no holy books. At present, the total number of followers is about 1,500,000. Religious activities have been conducted in line with its traditions, i.e. home worship. Every religious activity of Hoahao followers is respected and facilitated by the State.

6. Islam:

Vietnam has about 93,000 Muslims, with 455 clergymen at 89 mosques, mostly in the South and closely related to the Cham ethnic group. Religious activities of clergymen and Muslims are maintained on regular basis. Hundreds of people go on pilgrimage to Mecca every year.

In addition to the 6 major religions mentioned above, there are also other religions in Vietnam such as Hinduism, BaHai'ism, etc. but small in number and not yet developed. Taoism and Confucianism are not viewed as religions in Vietnam.

B. The State's policy of religious freedoms as manifest in all aspects of religious activities:

Worship places: During wartime, nearly 500 churches and 500 temples were destroyed. In recent years, with the assistance and support from

the State, many worship places have been repaired and built, of which 20 to 25 percent are largely repaired or newly built and 80 percent are partly repaired, meeting the demand for religious worship.

Clergymen and monks: The State facilitates and helps the religions to open more schools and train more seminarists and monks (as mentioned in the previous parts). In addition, the State also facilitates the sending of followers abroad for further studies: the Vietnam Buddhist Church has sent nearly 200 monks to study Buddhism in India, Taiwan, Japan, Sri Lanka, China, etc... The Catholic Church has sent more than 80 priests to Rome, France, Canada, the Philippines, the United States... The State likewise facilitates the assignment and promotion of clergymen.

- **Publication of religious books; import and export of religious cultural items**: A wide variety of religious books have been published, religious cultural items exported and imported. In the 1994-1996 period alone, 346 religious book titles totalling 2 million copies, 53 kinds of religious calendars with a total number of 314.000 copies had been published. According to the incomplete statistics, 1,000 Buddhist book titles (totalling 40,000 copies) were imported from Taiwan and South Korea, over 10,000 religious bibles were imported by Protestantism from the International Bible Association, not to mention bibles imported by Catholicism and the Islam.

Since the Law on Publication was introduced (1993), the publication, export and import of Bible books have been regulated in conformity with the laws: Upon request by religious leaders and religious associations, religious organisations are responsible for all related activities ranging from quantity to issuance of bible books while publishing houses are responsible only for publication. As a religious publishing house has yet to be established due to financial constraints, the Government has designated three major publishing houses in Hanoi, Hue and Hochiminh City to support for the publication of religious matters. In the future, a publishing house in charge of publishing religious books and cultural works will be set up.

- **External activities of religious clergy and religious organisations**: External relations of various religions has recently been expanded and diversified. Religious international relations and religious external activities are regarded by the Government as an integral part of the external relations and people's external activities in the Government's foreign policy. The Government, therefore, guarantees and facilitates the external relations activities implemented by religious individuals and organisations on the basis of respect for the national independence and sovereignty, in conformity with the law, thus helping to consolidate and strengthen solidarity, friendship and international co-operation among nations.

Over the past years, an increasing number of religious clergy and

followers has travelled abroad for tourism, pilgrimage purposes, for visiting relatives and/or attending religious functions organised by international religious associations. From 1993 to October 1998 alone, nearly 1,000 turns of religious clergy and followers (687 Catholics, 294 Buddhists, 12 Protestants, 80 Muslims and 21 Caodai followers) had travelled abroad for those purposes. The number of religious delegations coming to Vietnam for working visits and religious activities is on the rise, about 20 delegations in 1997 and 1998. Overseas Vietnamese religious followers keep in touch with their homeland more often. At the same time, many Vietnamese religious clergymen have been appointed to the leadership of the multinational religious organisations . Various Vietnamese religious organisations are also members to their international bodies.

Social and charitable activities of religious organisations: Social and charitable activities carried out by religious organisations have been increasingly expanded and diversified, ranging from the delivery of relief aid for natural calamity-affected areas, bringing up orphans, looking after the disadvantaged, meeting and supporting lepers, providing medicines free of charge. Local government authorities play an active role in promoting religious organisations to set up schools for the disabled, private kindergartens, literacy compassionate classes, vocational courses, medial check-up and treatment. These activities have helped the society to deal with many pressing issues and also contributed to the promotion of national unity .

The above-mentioned information provides a comprehensive overview of religious activities in Vietnam and strongly affirms that beliefs and religions are tolerated and freely practised in the country. All religious activities are protected under the law. In fact, the Vietnamese Government has been doing its utmost to gradually strengthen the system of legal guarantees for the citizen's fundamental rights, which naturally encompasses religious freedom. As a result, fine achievements have been recorded and accepted by the national religions or recognised by impartial and unbiased observers. Representatives of more than 40 foreign embassies and international organisations in Hanoi all shared their views of this with the Special Rapporteur during his visit to Vietnam. Such achievements can't be resulted from a policy of "*restriction, control and prohibition of religious activities*".